

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA, Plaintiff, vs. ZACHARY VERDELL NORTHERN, Defendant.	Cr. No. 3:23-cr-147 DEFENDANT'S MOTION FOR RELEASE WITH CONDITIONS
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The Defendant, Zachary Verdell Northern, moves this Court for a release order for him to reside at his apartment in Fargo, North Dakota.

On 2 August 2023, an Indictment was filed charging Mr. Northern with Possession of a Firearm by a Convicted Felon, Possession of Ammunition by a Convicted Felon, and Possession of Ammunition by a Person Convicted of Domestic Violence, in violation of 18 U.S.C. §§ 922(g)(1), 922(g)(9), 924(a)(2), and 2.¹ Mr. Northern's arrest took place on 7 September 2023.² On 8 September 2023, Mr. Northern appeared for his initial appearance and arraignment with a panel attorney. At that hearing, the government moved for detention. Mr. Northern was advised of his right to a detention hearing and consented to a five-day extension of the hearing.³ The undersigned filed her Notice of Attorney Appearance on 11

¹ Doc. 1.

² Doc 15.

³ See Docs. 4–5.

September 2023.⁴ A detention hearing was set for 14 September 2023.⁵ A detention hearing was held on 14 September 2023. The Court filed an Order of Detention, recommending release to a residential re-entry center once space became available. The Court also stated they might allow release to a proposed residence but would need verification the landlord would allow defendant to live at the residence.⁶

Since the detention order, Mr. Northern remains at the Cass County Jail in Fargo, North Dakota. While there, however, he has been able to secure a residence at an apartment in Fargo, with the rental term commencing on 1 November 2023.⁷ Mr. Northern was allowed to move in as of 9 October 2023.⁸

Accordingly, Mr. Northern requests release to his apartment with the following additional conditions:

1. Mr. Northern is allowed contact with his wife, Tamara Northern and minor child, however they shall continue to reside at their own residence and Mr. Northern shall reside at a separate residence. No other individuals shall reside or stay overnight at Mr. Northern's apartment without prior approval of Mr. Northern's probation officer. A copy of Mr. Northern's lease has been provided to probation.
2. Mr. Northern shall not have any firearms or weapons at his residence.
3. Mr. Northern shall not have any dangerous animals at his residence and shall notify probation if any pets are at his residence.
4. Mr. Northern shall seek and maintain employment approved by probation.
5. Mr. Northern shall report to probation as directed.

⁴ Doc. 11.

⁵ Doc. 13.

⁶ See Doc. 18.

⁷ See Defendant's Exhibit 1 (residential lease).

⁸ *Id.* "Incentive Addendum".

6. Mr. Northern shall not possess or ingest any alcohol or controlled substances and shall notify probation of any prescription medication he may be taking.
7. Mr. Northern shall be restricted to travel within North Dakota, unless pre-approved by probation.
8. Mr. Northern shall not apply for a passport.
9. Mr. Northern shall not contact any other witnesses or co-defendants in his case, with the exception of his wife as noted above.
10. Mr. Northern shall report any contact with law enforcement to probation.
11. Mr. Northern shall undergo a mental health/substance abuse evaluation if required by probation and shall follow through with any recommendations.
12. Mr. Northern shall sign Releases of Information for probation.
13. Mr. Northern shall be subject to location monitoring if requested by probation. Mr. Northern shall pay the costs of location monitoring.

Mr. Northern is further subject to standard conditions of pretrial release, including, but not limited to: drug and alcohol testing by probation, maintaining regular contact with his probation officer, and attending any and all future court appearances. Mr. Northern has been advised that failure to comply with the conditions of pretrial release, both the standard conditions and the proposed conditions listed above, may result in his pretrial release being revoked, at which time he would immediately report to probation, or a correctional facility, as directed by probation.

Mr. Northern has communicated the above proposed release plan to the government and the government **opposes** release for the reasons argued in the detention hearing.

Mr. Northern has communicated the above proposed release plan to probation, who **does not oppose** release based on the above conditions.

Mr. Northern respectfully requests pretrial release, subject to the conditions listed herein.

Dated this 12th day of October, 2023.

Respectfully submitted,

JASON J. TUPMAN
Federal Public Defender
By:

/s/ Rhiannon Gorham
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